

1 Leo R. Beus (*pro hac vice*)
2 L. Richard Williams (*pro hac vice*)
3 K. Reed Willis (*pro hac vice*)
4 **BEUS GILBERT McGRODER PLLC**
5 ATTORNEYS AT LAW
6 701 NORTH 44TH STREET
7 PHOENIX, ARIZONA 85008-6504
8 TELEPHONE: (480) 429-3000
9 E-mail: lbeus@beusgilbert.com
10 rwilliams@beusgilbert.com
11 rwillis@beusgilbert.com

12 Allan Steyer (State Bar No. 100318)
13 Donald Scott Macrae (State Bar No. 104663)
14 Jill K. Cohoe (State Bar No. 296844)
15 **STEYER LOWENTHAL BOODROOKAS**
16 **ALVAREZ & SMITH LLP**
17 235 Pine Street, 15th Floor
18 San Francisco, California 94104
19 Telephone: (415) 421-3400
20 Facsimile: (415) 421-2234
21 E-mail: asteyer@steyerlaw.com
22 smacrae@steyerlaw.com
23 jcohoe@steyerlaw.com

24 *Attorneys for Plaintiff Nikola Corporation*

25 *[Additional Counsel on Signature Page]*

26 **UNITED STATES DISTRICT COURT**
27 **NORTHERN DISTRICT OF CALIFORNIA**
28 **SAN FRANCISCO DIVISION**

29 Nikola Corporation, a Delaware
30 corporation,
31
32 Plaintiff,
33
34 vs.
35
36 Tesla, Inc., a Delaware corporation,
37
38 Defendant.

Case No.: 3:18-CV-07460-JD

**STATUS UPDATE ON THE *INTER*
PARTES REVIEW PROCEEDINGS IN
RESPONSE TO THE COURT'S
ORDER (D.I. 121)**

1 Pursuant to the Court's Order requesting a status update on the *inter partes* review
2 ("IPR") proceedings that were discussed at the January 16, 2020 case management conference,
3 Nikola Corp. and Tesla, Inc. provided this report.

4 On March 27, 2020, the United States Patent Trial and Appeal Board declined to
5 institute proceedings on Tesla's IPR petition challenging Nikola's U.S. Pat. No. 10,077,084.
6 Further, the PTAB declined to construe any claim term in the '084 patent. Tesla has not
7 appealed the PTAB's decision to not institute IPR proceedings.

8 As a result, the parties agree that the IPR petition filed by Tesla will not have any effect
9 on the case before this Court.

1 DATED: May 5, 2020

Respectfully submitted,

2 By /s/ K. Reed Willis

3 K. Reed Willis

4 **BEUS GILBERT McGRODER PLLC**

5 Leo R. Beus (Admitted *Pro Hac Vice*)

lbeus@beusgilbert.com

6 L. Richard Williams (Admitted *Pro Hac Vice*)

7 rwilliams@beusgilbert.com

8 K. Reed Willis (Admitted *Pro Hac Vice*)

rwillis@beusgilbert.com

9 701 North 44th Street

10 Phoenix, AZ 85008-6504

T: 480-429-3000 | F: 480-429-3001

11 **STEYER LOWENTHAL BOODROOKAS**

12 **ALVAREZ & SMITH LLP**

13 Allan Steyer (State Bar No. 100318)

asteyer@steyerlaw.com

14 Donald Scott Macrae (State Bar No. 104663)

smacrae@steyerlaw.com

15 Jill K. Cohoe (State Bar No. 296844)

16 jcohoe@steyerlaw.com

17 Attorneys for Plaintiff Nikola Corporation

18
19
20 By /s/ Michael K. Friedland

21 Lauren Keller Katzenellenbogen

22 **KNOBBE MARTENS OLSON & BEAR LLP**

23 Michael K. Friedland

Lauren Keller Katzenellenbogen

24 Adam B. Powell

25 Kimberly A. Kennedy

26 Attorneys for Defendant TESLA, INC.

ATTESTATION

I, Jill K. Cohoe, am the ECF user whose user *ID* and password authorized the filing of this Document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: May 5, 2020

/s/ Jill K. Cohoe

CERTIFICATE OF SERVICE

I am a citizen of the United States, over the age of eighteen years, and not a party to the within action. I am employed in the County of San Francisco, State of California, and my business address is Steyer Lowenthal Boodrookas Alvarez & Smith LLP, 235 Pine Street, 15th Floor, San Francisco, California 94104.

On the date set forth below, I served a true and correct copy of the following document(s):

**STATUS UPDATE ON THE *INTER PARTES* REVIEW PROCEEDING IN
RESPONSE TO THE COURT'S ORDER (D.I. 121)**

☒ By transmitting the above documents to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 5, 2020


Alma M. Caliz